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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/757,470

01/11/2001

Nobuhiro Fujinawa

105261.01

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7590

01/14/2005

OLIFF & BERRIDGE, PLC

P.O. BOX 19928

ALEXANDRIA, VA 22320

EXAMINER

SENF, BEHROOZ M

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/757,470	FUJINAWA, NOBUHIRO	
	Examiner	Art Unit	
	Behrooz Senfi	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/26/2004, fwd 10/26/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12, 13, 17-20, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 6-11, 14-16, 21-26, 29-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed 7/26/2004 have been fully considered but they are not persuasive.

Response to remarks:

Applicant asserts (page 17, lines 12 – 16 and page 18, lines 12 – 14) that, Maeda et al fails to disclose or suggest, "determining the position of the image forming optical system".

In response: Examiner respectfully disagrees. The image processing as taught by Maeda '889 uses infrared component to detect defect, to align the visible image, and correct the imaging optical system. Therefore, the previous ground of rejection still applies.

Applicant amends claims 1 – 3, 8, 11 – 16, and added new claims 17 – 31.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 - 5, 12 – 13, 17 – 20 and 27 - 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al (US 2003/0128889) in view of Ogikubo (US 5,396,282), for the same reason as set forth in the last office action (paper no. 4, dated 2/11/2003. The grounds are being restated for applicant's convenience, including the

Art Unit: 2613

rejection of newly added claims. The newly amended claims do not change the scope of the claims and are for improvement and correction of the grammar of those claims.

Regarding claims 1, Maeda '889 discloses "an image reading device" (i.e. fig. 1), comprising: "an infrared component separator that separates color components of an image light flux" (i.e. fig. 1, unit 21 for separating the light flux 13 into four colors (including infrared), and "visible image capturing device" (i.e. device 18 and optical 25), and the "focal adjustment device that a position of the image forming optical system relative to the transmissive original and means for image forming position decision making that determines the position of the image forming optical system" and control device that implements control on the focal adjustment device based upon a decision made by the means for image forming position" reads on (page 11, section 0135). Maeda '889 fails to explicitly teach "two separate image capturing device, one infrared and one visible image capturing". However the above claim limitations are well known and used as evidenced by Ogikubo '282 (i.e. fig. 2, CCD cameras 124 and 125). Therefore, taking the combined teaching of Maeda '889 and Ogikubo '282 as a whole, it would have been obvious to use two or more detectors (CCDs) for detecting the four separated radiant flux as suggested by Ogikubo '282 (col. 1, lines 59+).

Regarding claim 2, combination of Maeda '889 and Ogikubo '282 teaches "an infrared component detector that detects a level of the infrared component" (i.e. abstract, lines 3 – 4 of Maeda ') and "a correction device that detects a defect signal" (i.e. abstract, lines 3 – 6 of Maeda).

Regarding claim 3, combination of Maeda '889 and Ogikubo '282 teaches "a defective infrared component detector that detects a defective infrared component and a correction coefficient calculator that obtains a correction coefficient by calculating (first infrared component level) / (defective infrared component level) (i.e. abstract, lines 3 – 9 of Maeda) and "multiplier that calculates the corrected visible component level by multiplying the defective visible component level at the defective position in the transmissive original" (i.e. abstract 12 – 15 of Maeda).

Regarding claim 4, combination of Maeda '889 and Ogikubo '282 teaches "image capturing device receives the infrared component of light passing through the trasmissive original at a plurality of pixels and outputs a plurality of image signals each indicating an intensity level of the component of light received at the associated pixel" (i.e. page 3, section 0025 of Maeda).

Regarding claims 5 and 13, combination of Maeda '889 and Ogikubo '282, fig. 1 of Maeda '889 teaches LED drive circuit operates in accordance with an instruction from CPU 11 and selectively emits light, which reads on limitation "selecting either the visible image signal or the infrared image signal" as, claimed.

Regarding claim 12, the limitations claimed are substantially similar to claim 1, therefore the grounds for rejecting claim 1, also apply here. Furthermore, the invention of Maeda '889 relates to an image processing method and storage medium and computer implemented program (i.e. fig. 1, host computer 1 and CPU 11, col. 1, section 0003), which reads on additional limitation "storage medium" as claimed.

Art Unit: 2613

Regarding claims 17 - 18, the limitations as claimed are substantially similar to claim 1, therefore the ground for rejecting claim 1 also applies here. As for the additional limitation in claim 18 "selectively outputs" see (page 6, section 0078 of Maeda).

Regarding claim 19, the limitations as claimed are substantially similar to claim 4, therefore the ground for rejecting claim 4, also applies here.

Regarding claim 20, the limitations as claimed are substantially similar to claim 5, therefore the ground for rejecting claim 5, also applies here.

Regarding claims 27 - 28, the limitations as claimed are substantially similar to claims 1 and 16, therefore the ground for rejecting claims 1 and 16, also applies here.

Claim Objections

4. Claims 6 – 11, 14 – 16, 21 – 26 and 29 – 31, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2613

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

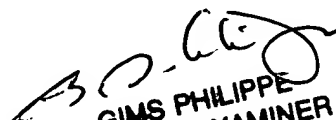
(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. S.

1/10/2005


GIMS PHILIPPE
PRIMARY EXAMINER